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‘Half-Free’ Categories in the Early Middle Ages: Fine Status-Distinctions Before Professional Lawyers

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The early middle ages in Western Europe stand as a period of transition between two symbolic systems. The first, drawn from the classical Roman tradition, stressed a radical opposition between categories of ‘free’ and ‘slave’, and represented society as divided between these (Finley 1964). The second, seen as distinctively ‘medieval’, instead represented society as a sliding scale of hierarchical, bilateral ties of lordship and dependence. This second system was inherently relational rather than absolute, and operated on a continuum covering all manner of individual agreements, with duties and expectations matching diverse levels of authority and submission. Its categories were broadly ‘social’ rather than legal in nature and origin (they were eventually given learned legal definitions, but not before the thirteenth century: Hyams 1980, Freedman 1986, Reynolds 2003, Brundage 2008). In modern historians’ terms, the transition from one system to the other corresponds to that between freedom and slavery on the one hand, and lordship and serfdom on the other.

These two systems of representation coexisted over a long period, roughly between the fifth and the twelfth century, in the language of surviving sources, which frequently refer *both* to absolute legal status categories *and* to relational categories of dependence. But a sense of their incompatibility has made it hard not to see the first as the dead hand of the past (Rome), and the second as the way of the future (the high middle ages). Since free/unfree corresponded to an earlier system of description which had

originated in a very different society from that of the early middle ages, social historians have tended to place greater trust in the couple lord/dependant as representing early medieval relations of power and production, and to abandon free/unfree to historians of law. The continued use of classical Latin words for 'slave' (in particular *servus*) over the centuries has been read as a fossilized remnant, and a cautionary tale on the slippery nature of terminology.[1]

Although the historiographical framework of 'transition' invites the historian to think in terms of a zero-sum game between these two systems of classification, it may add something to the debate to look not only for friction, but also for potential cross-fertilization. To this end, I shall focus in this chapter on a subset in the terminology of freedom and unfreedom: grey-area statuses, often referred to in modern literature as 'half-free'. These categories look incongruous according to the internal logic of either of the two systems of representation outlined above, which points to them as a potentially fruitful subject. They seem to correspond to categories of person rather than categories of socio-economic relationship; at the same time, they stand very awkwardly across the division of society between free and unfree characteristic of Roman legal thought. Looking at examples from West Francia and Northern Italy, then briefly comparing these with Irish evidence, I hope to show that these statuses were less 'intermediary' than productively ambiguous.

WORDS, CATEGORIES, AND THEIR PROBLEMS

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[1] The most powerful statement of this view is still Bloch 1947. Bonnassie (1985: 340–1) assigns more concrete weight to vocabulary.

The terminology of 'intermediary' statuses, like that of plain unfree status (*servus*, *mancipium*, *ancilla*) and free status (*ingenuus*, *liber*), usually relied on existing Latin words.[2] The earliest 'barbarian' law-codes, from the fifth to the eighth centuries, refer mostly to various derivatives of *laetus*, which in Roman sources from the third century onwards had applied to conquered barbarians deployed as rural workers within the empire.[3] In Frankish Salic law, the word is *litus* or *lidus*; in Italian Lombard laws, *aldius* or *aldio*. The same etymological root makes a single appearance in Anglo-Saxon England, as *læt*, in a law of Æthelberht (Pelteret 1995: 294–6).[4] These, then, were not new words; what was new about them was their application to denote a legal status. Laws typically set compensation-tariffs for these people somewhere between those payable for slaves and those payable by and to free people. Since laws also regulate such people's ability to take spouses of a different status, as well as their manumission, it seems clear that these terms were understood by law-makers as referring to a distinct legal status as opposed to a situation or a socio-economic relationship, such as 'prisoner of war' or 'tenant'.[5]

From the mid-eighth century onwards, when legal documents begin to survive in significant numbers, we find *lidi* or *aldii* in them, and from the early ninth century these

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[2] The exceptions are *barschalken* in Bavaria (Hammer 2002: 13–14) and *lazzi* in Saxony (Goldberg 1995: 471–4). Both are vernacular terms but are comparatively rarely attested in source-material from these regions, which tends to rely on Latin-derived terms used elsewhere in Europe.

[3] The use of *laetus*—the original meaning of which was 'happy'—to refer to these people is explained as a cruel joke by Halsall 2007: 152. Earlier historiography often speculated that the term was a Latinized Germanic word relating to a particular Germanic people or type of dependent, but this is impossible to tell.

[4] Æthelberht 26 (Attenborough 1922: 6–7); for Salic law and Lombard laws see n. 5 below. The only law-code not to refer to any such intermediary status is the Visigothic Code. It was by far the most Romanizing, and clearly found little use for categories that violated the neat divisions of late Roman law. Scattered references outside the laws suggest the omission is probably deliberate rather than evidence of absence: Claude 1980: 187–8, Castellanos 1998, García Moreno 2001, Wickham 2005: 526–7.

[5] Punishment for committing a wrong: e.g. *Pactus Legis Salicae* (*PLS*) 13.7 (Eckhardt 1962: 61); Rothari 258 (Bluhme 1869: 63). Compensation as victims: e.g. *PLS* 35.5 or 42 (Eckhardt 1962: 130); Rothari 376 (Bluhme 1869: 87). Marriage: *PLS* 13.10 (Eckhardt 1962: 62); Liutprand 106 (Bluhme 1869: 151). Manumissions: *PLS* 26.1 (Eckhardt 1962: 96–7); Rothari 224, Liutprand 23, 106 and 140 (Bluhme 1869: 55, 118, 169–70).

same words also feature in estate-surveys. There and in laws issued over the same time-period, they are often supplemented by further category-words such as *coloni*, *tributarii*, *censuales* and later, from the tenth century onwards, *colliberti*. All of them were derived from older Latin words, but these had never been used in Roman law to denote a distinct status.[6] By the early middle ages, however, people could be referred to with such words sometimes to distinguish them from the unfree, sometimes to distinguish them from free people. They were also often used alongside each other, so that it is unclear whether they represent a proliferation of synonyms for a single category or a proliferation of nuances between different sorts of 'intermediary' status.

Such problems mirror those long associated with the word *servus*. The problem with *servus* in the early middle ages is that it stretched to the limit what might be included under a single category, because it gathered under one term people who bore little resemblance to each other. It included chattel-slaves, who might be bought and sold, but it also covered unfree peasants whose lives were often so similar to those of free ones that it could be hard to establish who was what in court. 'Intermediary' status-words present similar traits. *Lidi* in the earliest version of Salic law (*c*. 500), for instance, have been interpreted as military retainers (Balon 1965). In later documents, the term refers to peasant tenants with a customary set of dues and duties. Furthermore, among tenants, the people referred to as *lidi*, *aldii*, *coloni*, and other such terms look so much like their free and unfree neighbours as to make the content of these distinctions elusive.

With all kinds of legal status—unfree, free and intermediary—early medieval terminology therefore did not distinguish between people who were clearly different

[6] *Coloni* in the late Roman empire, for instance, had referred to persons tied to a landlord, but nevertheless characterized as legally free. The bibliography defies footnoting, but for crucial contributions see Carrié 1982, 1983 and Sirks 1993, 2008, 2012. Even Bloch did not think early medieval *coloni* showed continuity from laws about late Roman *coloni*: 'personne n'y pensait plus' (1928: 241).

from each other, but *did* distinguish between people who, to us, look virtually identical. This mismatch between the distinctions made by contemporaries (that is, status-distinctions) and those which seem most relevant to modern historians (by and large, socio-economic distinctions) is the main reason why much of the literature has dismissed early medieval legal statuses as hopelessly confused—a fossilized relic of the Roman past incapable of revealing thought or practice. Marc Bloch was the first to point to intermediary status-terms as an example of the lack of technicality of medieval legal vocabulary, and its 'appalling complexity and uncertainty' (Bloch 1928: 246). He argued that such terms must originally have referred to freedmen, but that, because freedmen lived under increasingly severe and hereditary obligations, the practical distinction became lost in the course of the early middle ages, with all dependent peasants gradually assimilated into a general 'servile class' (1928: 231–8; against this, see Rio forthcoming: ch. 3). On this reading, the persistence and ambiguity of medieval status-words reflected a long-forgotten diversity in practice, fixed in aspic through the continuous inheritance of the same legal status from generation to generation (Bloch 1928: 251). Roman law continued to lend its words, while its content was chipped away by entropy—the result of not very technically-minded people taking over a complex legal system. More recently, Dominique Barthélemy (chiefly in relation to the eleventh century, but in a perspective of continuity from the earlier middle ages) has dismissed 'intermediary' statuses as simply synonyms of 'unfree' (2009: 94–5).

Whatever view one takes of the importance of slavery after the fall of the Roman empire, it is widely accepted that legal categories lost a great deal of their earlier precision.[7] It could hardly have been otherwise in a world that was by and large without

[7] Some German legal historians constitute an exception, in that they have tended to be more open to the idea that legal status connected with socio-economic reality, and that 'half-free' statuses eventually paved the way to serfdom: the concept of *Halbfreie* or *Minderfreie* as distinct groups is

legal professionals (these would not reappear until the twelfth century). This view is shared by historians as divergent in their interpretations of the trajectory of the early medieval peasantry as Chris Wickham and Jairus Banaji. Both make the point that legal status-categories were used in an imprecise and inconsistent way, in a context of overall homogenization in the condition of agricultural workers—irrespective of whether this homogenization is seen to lie in increased oppression (Banaji 2011: 117–18) or in greater independence (Wickham 2005: 562–3).

It is paradoxical, then, that precisely this moment in time—when many legal words lost their technical value, and when rural workers seem to have become less differentiated in socio-economic terms—should have given rise to an efflorescence of terms newly connected to legal status. The argument of unthinking inheritance works less well for these terms than for *servus*, since they were not handed down from Roman law as status-terms. Whereas it is relatively clear how the words *servus* or *mancipium* survived into early medieval legal use, it is not at all clear how or why 'intermediary' words acquired their new meanings. The loss of technicality in the use of 'legal' words during the early middle ages is undeniable, but so is the vitality of these terms throughout the period, which suggests that they were capable of answering immediate concerns.

The real problem, ultimately, is that it is extremely difficult to identify what *rules* applied to these new categories—whether rules about who should come under their labels, or rules about what might happen as a consequence of such labelling. There must have been some (perhaps only tacit), or the terms could not have been applied. However these words may have come to acquire their status-value, we need to think above all about

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much more important in that historiography. Most recently, Stefan Esders (2010) has argued, not unlike Bloch, that the intermediary statuses of the high middle ages found their origin in early medieval changes in the status of freedmen manumitted in church; on this see Rio forthcoming: ch. 3.

what purposes they served, and how they continued to be reproduced. The best place to look for answers is the kind of situation where people were likely to be clear about what words meant: that is, cases of conflict over status. In the majority of surviving sources, the various terms for 'in-between' statuses are not given much context: they mostly appear in appurtenance-clauses transferring people along with land, or in polyptychs (estate-surveys), associated with different levels of dues that are hard to unify. Looking at disputes, however, helps to flesh out the social context for the attribution of these categories, and the conflicts that could underlie them.

WEST FRANCIA AND *COLONI*

Bloch's line of argument relied on the idea that status-labels—free, unfree or in-between—would have been fairly stable, and inherited through the generations across centuries, so as to endure past the point where anyone understood their meaning. Ostensibly, this finds some justification in our sources, which generally present parent-to-child inheritance as the key to determining status: in most surviving records of dispute from this period, the status of the parents was taken as the first point to be decided. But although parent-to-child inheritance was presented as crucial, the status of parents was as likely to be unclear as the status of the person who was the object of the dispute. In practice, the outcome was reached by asking witnesses whether the relatives of that person had belonged to the status in question, or had lived under constraints and duties consistent with that status. In an Italian document from 796, a dispute over the status of three brothers was decided by witnesses remembering that, when somebody had once beaten up their father, the compensation had been paid not to himself but to the abbey, indicating that he was unfree (Manaresi 1955: 24–8, no. 9).

In most cases the arguments put forward were less colourful, and the work performed by parents was often cited as an indication of someone's status. The evidence of polyptychs, however, shows that the regular dues and duties people owed depended on the status of their land more than their own (as well as on particular conditions of tenure established on the basis of size and capital value).[8] The day-to-day performance of particular duties cannot, therefore, be taken as an indicator that someone fell under a personal status-category. The argument that the work someone performed could be taken as evidence of legal status was inherently tendentious. Though no systematic link existed between work-patterns and personal status, the testimony of witnesses could establish such a link retrospectively. The reliance on the testimony of neighbours gave local communities scope for ad hoc rule-making, and for bringing local consensus to bear on both what the category meant and how it should be applied.

The process of drawing up an estate-survey could involve inventing new duties, rather than simply recording them, and could coincide with attempts to subordinate more firmly peasants of uncertain affiliation. For example, a dispute dating from around the time Saint-Rémi was drawing up its polyptych shows the monastery claiming several families as unfree (Devroey 2006a). The polyptych itself also refers at one point to 'newly subjected *servi* and *ancillae*' (Devroey 1984: 27). This suggests that the process of categorization or re-categorization involved in drafting a polyptych could lead to complex manoeuvring. How much manoeuvring doubtless depended on the peasants' room for negotiation, and how much clarity already existed regarding their condition. Even when

[8] Polyptychs designate individual farms as well as people as being either 'free' or 'unfree', but show a very imperfect correlation between the status of lands and the personal status of the people occupying them. Bloch (1947: 36–7) argued there would originally have been an exact match, subsequently lost, between the status of a farm and the personal status of its occupant; for a persuasive argument that free people would have been involved in farming a proportion of 'servile' lands from the start, Devroey 2006a: 83–8, 2006b: 275.

no formal dispute took place, we should not assume that there was anything natural or easy about the reproduction of status-categories: surviving disputes suggest that ensuring the reproduction of disadvantageous statuses required constant effort on the part of lords. Polyptychs bear the mark of such negotiations. What they represent is not a snapshot of the distribution of legal statuses at a random moment, but an outcome on which the monastery's agents and its dependent peasants had been able to agree. The creation of a polyptych, then, was likely to be a moment of intense definition and redefinition, and actively contributed to bringing about the situation it purported to describe.

'Intermediary' words such as *colonus* may have proved useful in such negotiations because they allowed the attribution of a status with which each side could feel reasonably satisfied: neither completely unfree, which might have been unacceptable to the peasant, nor completely free, which might have been unacceptable to the monastery's agents. The substantially different status-profiles of the rural population in different polyptychs (how many people were classified as unfree, free, or somewhere between the two) may well reflect how much negotiation each institution had been forced to enter into. The fact that *coloni* are very prominent in the polyptych of Saint-Germain, for instance, while Saint-Rémi lists very few, could simply mean that Saint-Rémi had had a stronger hand at the time of drawing up its survey, rather than reflecting strong regional or chronological differences in the use of categories. The negotiations involved in drawing up a polyptych are likely to have contributed to establishing categories of legal status on the ground.

Drawing up survey documents could have far-reaching consequences, which peasants did not always foresee. Perhaps most significantly, it reduced peasants' scope for further negotiation, because the existence of the polyptych limited the need for the

intervention of neighbours, and hence local consensus, as the main form of proof in later disputes. This is clearly what happened when, in 828, people who acknowledged they were *coloni* of the monastery of Cormery came before King Pippin I of Aquitaine, complaining that they were being made to pay more dues than their ancestors ever had (Levillain 1926: 44–7, no. 12; ARTEM no. 1774). The abbot's representatives presented a *descriptio* listing all the dues to be paid, which they said had been drawn up in the time of Alcuin, in the thirty-fourth year of the reign of Charlemagne, so in 801. The abbot's side simultaneously appealed to the thirty-year statute of limitations for appeals over status or property, standard across Europe at that time.[9] In the event, the document alone was enough to dismiss the case. This shows not only that estate-surveys established new dues, and were probably instrumental in assigning new legal statuses, but also that the settlement could disrupt normal forms of negotiation between peasants and their lords. The *coloni* clearly thought that the survey was not the end of the story, and that there was room left for accommodation. They were left disappointed.

To peasants, being called *coloni* seems to have represented the expectation of stability in duties, according to 'what their ancestors had done', and a degree of protection against future demands. This was the main advantage of being defined as a *colonus* as opposed to a *servus* or *mancipium*, a status everyone knew was bad. How far this expectation of a difference from *servi* was met is unclear. The duties of *servi* were also recorded in polyptychs, and could in practice be equally predictable (Nelson, J. 1986: 52, n. 29). To peasants, the distinction may not only have had to do with the quantity of labour

[9] Janet Nelson (1986: 48–51) points to the significance of the timing of the case: in 828 the dues specified in Alcuin's document were not quite thirty years old, though they were about to become so. The *coloni* may have been trying to challenge them before the rule came into force. The thirty-year rule (denying the right to appeal against property rights if these had stood unchallenged for thirty years), widely used across post-Roman Europe, derived from Roman law: e.g. Theodosian Code IV. 14. 1; Levy 1951: 176–90.

owed (though this was clearly important), but also with the respectability of the work involved. The Edict of Pîtres (864) thus mentions *coloni*

> who owe carting and manual duties by ancient custom, as is contained in polyptychs and as they themselves do not deny ... refusing to cart marl or other things they don't like (*quae illis non placent*), alleging that they did not transport marl in ancient times (Boretius 1883–90: II, 323, no. 273 c. 29).

These *coloni* clearly objected to carting marl and threshing corn on the basis that such activities were below them. Charles the Bald put them back in their place, stating that they could not be picky about which carting and manual duties they would engage in.

There may well, then, have been a substantial gap between what peasants thought being a *colonus* meant and what lords and kings thought it meant. To peasants, *colonus* clearly meant 'not a *servus*', and the important distinction lay between themselves and the *servi* immediately below them; to lords and kings, however, the most relevant contrast was more often that between *coloni* and free people. Charlemagne voiced the latter perspective in no uncertain terms when he made his famous, highly classicizing statement 'there are only free men and slaves, and nothing beyond that' (*non est amplius nisi liber et servus*) (Boretius 1883–90: I, 145, no. 58 c. [1]). He said this in an impatient answer to a question put to him by one of his officials (*missi*). The question had been: if someone's *servus* married a *colona*, where did the children belong—with her, or with him? Charlemagne urged the official to use his initiative, and told him to think about what he would do if his own *servus* had married another person's slave-woman (*ancilla*), or if someone else's *servus* had married his own *ancilla*, and then apply his decision to this case. The woman, of course, was not an *ancilla* but a *colona*, which was what had confused

the official in the first place. Charlemagne advised him to ignore the difference: she was unfree just the same. Which understanding of what *colonus* meant would prevail in each particular case presumably depended on relative bargaining positions, though the peasants' definition was inherently less likely to win the day.

This ambiguity meant that the application of a label was not necessarily the end of the conversation. When lords wanted to redefine their relationship with their *coloni*, they could use the inferiority of this status in relation to free people—notably in *coloni*'s inability to leave their lands at will—in order to impose further duties. Failing that, they could exploit this sense of inferiority to push further, and argue that their *coloni* were in fact *servi*. Threatening recalcitrant peasants with a further depression in their legal standing was made all the easier by the practice of using labour-duties as an indicator of status in disputes: since there was no difference between the work performed by *servi* and that performed by *coloni*, the latter could find it hard to assert their claims to status.

This latter scenario seems to me the most plausible reading of a famous case from 861, when forty-one men and women from the villa of Mitry, accompanied by their children, came before Charles the Bald to complain that they were being unjustly subjected to 'inferior service' despite being, as they put it (in marked contrast with Charlemagne's interpretation of the status), 'free *coloni* by birth'.[10] The villa of Mitry belonged to the abbey of Saint-Denis, which retaliated by bringing forward as witnesses another twenty-two *coloni* from the same place—that is, as many adult men as there were on the other side. The *coloni* presented by the abbot's side swore on relics that the claimants and their ancestors, far from being *coloni* like themselves, 'had always been *servi* in inferior service to the said villa, and did more work than *coloni* by right and by

[10] Archives nationales K 13, no. 7; Tessier 1952: 7–9, no. 228; ARTEM no. 3012; Ganshof 1965: 81–2, Nelson, J. 1986: 51–3, 1992: 62-3, 2004: 8–9; Devroey 2006a: 71.

law, as is clear'. As ever, we can only guess at the background. It seems unlikely that the plaintiffs were *servi* and that everyone knew it apart from them. Since they were sure enough of their case to make the seventy-odd-kilometre trek to the palace at Compiègne in such numbers, it also seems unlikely that they were making a speculative claim. A more plausible context would be that Saint-Denis sought to impose new, heavier duties on at least some of its *coloni*; that some of them made trouble by claiming that being a *colonus* meant something the estate-manager did not like; and that in retaliation they were claimed under an even more disadvantageous categorization. The abbey may have managed to secure the cooperation as witnesses of other *coloni* by guaranteeing that their own duties would not be increased.

Backstabbing by neighbours is a consistent feature of early medieval status-disputes. It is not very attractive, but it does make sense in terms of the internal dynamic of an estate: if a lord required an increase in the net amount he extracted from an estate, determining how the burden was to be distributed would have been crucial. If all the peasants were of an equal condition, the new burdens would be equally distributed. If, however, some could be categorized as having to do more as a result of their personal status, this would have been of obvious benefit to those *not* so categorized. It is important to bear in mind that peasants too could have a vested interest in the unequal distribution of labour-duties. Precisely how labour-duties were to be allocated, as opposed to how much labour overall could be extracted, probably mattered less to lords, though inequality in distribution may have presented advantages for them too, if differentiation in peasants' conditions had the effect of diminishing the peasants' scope for communal solidarity. Inequalities in legal status, then, were far from being only of interest to lords, and this partly explains some of the recurrent features of status-disputes during this period. It also explains how status-categories could have retained so much relevance

outside the context of a technical understanding of law: early medieval people's use of these categories may not have been technical, but it was nothing if not pragmatic.

In summary, then, while the connection between legal status and the quantity of labour owed was ordinarily tenuous and subsumed under individual arrangements, the two could, occasionally and in precise contexts, become tightly knit. As long as demands remained relatively stable, existing tenurial arrangements applied and the categorization of personal status (as distinct from categorization of the land held) could be left vague. It was when lords decided to create a survey-document or tried to squeeze more revenue out of existing tenures that status became an issue. *Colonus* was a useful category here: it was a more acceptable designation than *servus*, so that peasants could read it as guaranteeing certain rights, but the subjection implied by the term was sufficient, and the rights it supposedly conferred were insubstantial enough, that lords could use it as grounds on which to make greater demands or impose on their peasants an even more unfavourable status. As an inherently vague word, it was capable of being activated for new purposes, whether to express subjection and force the performance of new duties, or, on the contrary, to secure cooperation with lords' demands by expressing privilege over *servi*.

NORTHERN ITALY AND *ALDII*

The main ambiguous status term in Italy is *aldius* or *aldio*. In a capitulary from 801, Charlemagne ruled that *aldiones* on 'public' lands in Italy were bound to their lords in the same way that *lidi* were in Francia (Boretius 1883–90: I, 205, no. 98 c. 6). This was in the aftermath of the Frankish conquest of Italy in 774, which created a need to establish equivalences between different legal terminologies. There is no reason, however, to imagine a unified or coherent status system: Charlemagne said that *aldiones* were like *lidi*,

but never said what *lidi* were. Perhaps this was because everybody knew, or perhaps again because there was simply no need for a generalized definition. *Aldii* in Italy, as I hope to show, were just as much a mixed bag, and one just as opportunistically filled, as *coloni* were in Francia.

As Lombard laws make clear, *servi* could be manumitted so as to become *aldii*, and *aldii* could be manumitted to become fully free (Rothari 224, Liutprand 23 and 140; Bluhme 1869: 55, 118, 169–70), making them free from the perspective of slaves and unfree from the perspective of free men. This dual categorization is evident in surviving documents. In a charter from the archive of Toto, a landowner from Campione (on the modern border between Italy and Switzerland), dated to 771, an *aldius* of Toto's married an *aldia* belonging to the fisc (that is, royal lands), on the understanding that she would from then on be in the power of Toto and his heirs, but with the proviso that she remain 'free' along with her future children, 'according to the law' (Gasparri and La Rocca 2005: 320-1, no. 9). Another document from the same dossier, this time involving Toto's uncle, Toto I, offers the opposite perspective. It records an enquiry conducted by an unnamed royal official into the status of a man called Lucius, whom Toto I was claiming as his property, and who had apparently already suffered violence at his hands (Gasparri and La Rocca 2005: 312–13, no. 4; Feller 2005: 197–200). Lucius said that he had been freed by Toto's parents, and presented the manumission document. It showed he had indeed been freed, but unfortunately for him, this had been done at a church altar before Liutprand issued a law counting manumission in church as delivering fully free status.[11] The official concluded: 'it seemed to us that he could not be free, but an *aldius*'. Nevertheless, he seemed keen to give Lucius every chance, and suggested the thirty-year

[11] Liutprand 23; Bluhme 1869: 118. Up to that point, being manumitted at a crossroads had been the only way to become fully free according to Lombard law, with all other forms of manumission leading to the status of *aldius*.

rule as an alternative argument. The rule worked both ways, and if Lucius had been able to prove he had been living as a free man for the past three decades, Toto's claim would have failed. He went on:

> I asked this Lucius what he had been doing for Toto or for his parents for the last thirty years. And this Lucius told me that he had done weekly work for him in fields and vineyards and in cartage service. And I asked him whether he had done these services because he belonged [to Toto] or as a free man (*pro pertinentia aut aliquet pro livertate*); and he said he did them as a free man. And I ordered him to prove with free men what he said, that he had done this for the last thirty years of his own free will (*pro bona voluntas*), not because he belonged [to Toto] (*pro pertinentia*); but he said that he could not do this. And for the salvation of the soul of our lord king, I told him to tell me which men knew of his freedom, and I would enquire into it diligently myself; but he told me that there was no man who knew of his freedom. And we ordered Toto not to impose any further new duties on him, only what he had been doing for the last thirty years, and we ordered this Lucius to continue to do for Toto in the future what he had been doing for the last thirty years (Gasparri and La Rocca 2005: 312–3, no. 4.).

This case has several implications. First, Lucius had evidently continued to do heavy work for Toto even after his manumission, so the dispute was not about whether Lucius owed work to Toto, but about how much work. A likely context for this dispute, then, is that Toto had attempted to increase Lucius's duties, and that Lucius refused. Secondly, this text shows the official thought that categorizing Lucius as an *aldius* meant that his duties should not be increased, so in a way, even if he did not end up being quite so free a man as he had hoped, Lucius won his case. Thirdly, Lucius could evidently not count on solidarity from his neighbours, which makes sense in a context of increased demands, as

in the Mitry case. Although the official offered to call the witnesses himself, Lucius clearly thought this would do no good. The fact that he did not even take the chance suggests he may have feared not only refusal, but subsequent retaliation.

Finally, the official's questioning shows that one could owe exactly the same services whether one was free, unfree, or an *aldius*. His questions did not focus on *what* Lucius had been doing for Toto, but on his state of mind when doing it—'did you do this because you were unfree or of your own free will?' No empirical test could determine this (Feller 2005: 189–93). The same point comes out clearly from another document from the same archive, in which Toto II, in 777, turned his house into a religious foundation: he gave his *servi* and *ancillae* with the land, and said that from then on they would be *aldii* and *aldiae*, specifying that they were to continue doing the same work they had done before, though they were no longer obliged to provide their own lunch (Gasparri and La Rocca 2005: 323–6, no. 11; Feller 2005: 201–2). The difference between *aldii* and *servi*, then, lay not in the quantity and nature of the labour performed, but in the protection that being categorized as an *aldius* was meant to afford against future increases in lords' demands.

This hope was likely to be disappointed if lords decided to claim such dependants not as *aldii*, but as *servi*, which, as in Francia, the absence of any difference in actual services made all the easier to do. This happened in a succession of disputes pitting the monastery of Sant'Ambrogio in Milan against some peasants from the estate of Limonta, near Lake Como, from 882 to the mid-tenth century or even later (Castagnetti 1968, Balzaretti 1990: 219–36, 1994, Nelson, J. 2004: 9). The estate had been given to Sant'Ambrogio by the emperor Lothar I in 835. The original issue was not the peasants' legal status so much as whether or not they were obliged to collect and press olives from

the monastery's olive groves, and transport the oil to the monastery. Although it was not about status at the start, it soon became so.

The first dispute dates from 882. The peasants did not deny their status as *aldii*, but strenuously denied any obligation to deal with the monastery's olives, on the basis that their ancestors had never done so. The monastery countered by presenting witnesses who said that the peasants had always collected, pressed and transported the olives, and the ruling went in favour of the monastery. There is, though, a notable difference between the original document, which is fragmentary and badly damaged (it seems deliberately), and the copy of it made (one assumes not coincidentally) by a scribe of the monastery around 900, precisely at the time of the later disputes in this sequence (Natale 1970: nos. 146 and 146a). The copy repeatedly called the peasants *servi*; indeed, it has the peasants themselves say, 'Truly we do not seek to deny, because by law we cannot do so, that we used to be imperial *servi*'. The original, however, is still just about legible at this place, and what the peasants were not denying there was that they had been imperial *aldii*, and that they owed dues *pro aldiaricia*. The copy replaced *aldii* with *servi* and removed altogether the reference to *aldiaricia*. Nowhere in the surviving original text is the word *servus* used. Clearly the original dispute had involved *aldii* who were being made to press olives when they had not had to do this before. Their appeal to what their ancestors had done, and the monastery's counter using witnesses who did not comment on legal status but on precedent, makes sense in this context. Neither claim would have made sense if the peasants had been *servi*: since in theory the duties of *servi* could be increased at will, the peasants would have had no case.

The issue resurfaced about twenty years later, in the first decade of the tenth century (around the time the interpolated copy was made), with two further disputes. In July 905 the peasants appeared before two royal *missi* at Sant'Ambrogio's villa of Bellagio,

and this time the abbot claimed them as *servi* 'because since long ago their fathers and mothers or relatives were also *servi* of this estate' (Manaresi 1955: 431–6, no. 117). The text then includes a declaration in which the peasants had to acknowledge that they were *servi*. It also shows that although the dispute now involved status, it was still ultimately about olives:

> ... by law we are *servi* of the monastery of Saint Ambrose and of the estate of Limonta, and as a result of our condition (*condicionaliter*) we must cultivate olives in the olive groves of this estate and press oil from it, and transport it to the monastery of Saint Ambrose ... And whoever told you that we wanted to withdraw ourselves from service to the same monastery was not truthful, because we and our relatives have always been *servi* of this estate of Limonta and by law we must belong to this monastery of Saint Ambrose.

Some 'noble men' from the area then confirmed that the peasants were indeed *servi*. The peasants, however, remained unconvinced, for within five years the same group came all the way to Pavia to bring their case before the royal court, claiming once again that they were not *servi* but *aldii* (Manaresi 1955: 456–9, no. 122). They lost that claim too when the abbot presented the record of the dispute from 905.

The defeat of the peasants was sealed in a further document from 957, in which peasants from the same estate (this time described as *famuli*, a term perhaps chosen because it was neither *servus* nor *aldius*) threw themselves at the feet of the abbot, begging that 'our condition be written down, and that you recognize openly what we should do or pay by law according to ancient times' (Porro-Lambertenghi 1873: no. 625, cols 1070–3). Presumably the peasants, after their earlier failure, wanted to ensure there would be no further increases, though even in this they were to be disappointed, judging by a late tenth-century forgery produced by the monastery (Manaresi 1955: 605–8, falso

II; Manaresi 1944), which combined the dues in kind specified in the 905 settlement with those of the 957 settlement, thereby increasing them (Castagnetti 1968: 14-15).[12] The forgery was partly based on the 905 judgement, but presents a strange outcome: it shows the peasants complaining of bad treatment, *inter alia* mentioning the forced collection of olives 'against custom' and the shaving of their hair by the monastery's agents. The abbot retorted 'you are *servi* of the monastery, and you should do whatever we demand and order.' The *servi* replied that they did not deny being *servi*, but then listed the particular dues and services which their ancestors had rendered—this time including the collection of olives. The forgery then said that the abbot generously agreed not to impose any further duties in future.

The fact that the peasants continued to fight the obligation to produce olive oil after the original judgement from 882 clearly motivated the monastery to claim them unambiguously as *servi* (as may also have happened to the recalcitrant *coloni* from Mitry). The 882 judgement shows also that status was not the only way to claim labour: the monastery had already secured the outcome it wanted simply by getting witnesses to swear the *aldii* had produced olive oil for it in the past. It was only when the monastery met with organized resistance that status became crucial, when it sought to justify its claims not on the basis of traditional practices (applicable if the peasants had been *aldii*), but, in retaliation, by claiming the peasants under a condition which in principle made their labour available at will. The overall phases of the dispute, then, were: first, the monastery's claim for extra duties from its *aldii*; when they resisted, a subsequent claim

[12] Zagni (1978: 17–24) has argued against Manaresi that this late tenth-century copy may not be a forgery after all, suggesting as a possible explanation for its many eccentricities that it was never a properly 'legal' document in the first place, but a copy of an intermediary, extra-judicial debate. The point remains contested, and impossible to resolve definitively. If one were to accept this text as authentic (as does Bougard 1995: 109, n. 3, and 259), it would require imagining a slightly choppier disputing progress for the one proposed here, but not, I think, to the point of invalidating the overall argument.

that they were not *aldii* at all, but *servi*; finally, when the peasants were at last crushed, the monastery allowed the fixing of their dues (albeit on new and very unfavourable terms compared to those they had initially claimed), perhaps as a late incentive for compliance. It was therefore paradoxically only when the peasants gave up fighting the claim that they were *servi* whose labour was disposable at will that the abbot agreed to fix their dues. When lords faced dissent, they had an advantage in making the conversation about status when the argument was really about work. Once they had won, they could afford to be less insistent on a link between the two.

As with *coloni* in Francia, the condition of *aldii* in Northern Italy seems to have been understood to involve protection from subsequent increases in lords' demands. What distinguished *aldii* from both *servi* and free men was not their actual work-conditions, but the permanence of whatever conditions they already had, whether harsh or light. The inconsistency of the link between status and labour performed, however, made peasants vulnerable to downwards reclassification by aggressive landlords, such as the monastery of Sant'Ambrogio. Who was actually to know on what basis they had performed services? The standard reliance on the testimony of local men in disputes over status meant that local hierarchies, here as in Francia, were crucial in the working out of legal status and could be harnessed by lords for this purpose, however much courts and laws may have insisted on the supposedly fixed and hereditary nature of status-groups.

This strategy had to be used deftly. When men from Palazzolo came to court in Milan in May 900 to claim that they were free rather than *aldii*, they, like Lucius, could only claim that they did not perform service *condicionaliter*, as a result of their personal status, but because they held under lease some land belonging to the villa of Palazzolo (Manaresi 1955: 405–10, no. 110). The dispute had arisen because these men owned lands elsewhere in their own right, and the manager of the villa was claiming that they

should perform additional work for holding these too. The estate-manager, Adelgisus, called forward witnesses, from the same area, who were 'noble and credible'—by which we should probably understand well-off independent peasants. The estate-manager obviously expected his witnesses to back him up, as the *coloni* did for Saint-Denis in the Mitry case. But in the event, in a *coup de théâtre* that must have been supremely embarrassing for Adelgisus, all of them came forward and said they knew the men involved to be free, born of a free mother and a free father, and to hold their other lands freely. The peasants won their case. They were evidently more important locally than most of the people we have met so far, not least in that they owned land in their own right. In this case the better-off neighbours may have thought Adelgisus was pushing too far: if he was going after these people, he might try it on others. Managers of estates probably had to aim very carefully in order to be able to use status claims to defuse, rather than reinforce, local solidarities.

The link between status and socio-economic hierarchy varied not only across periods and regions, but according to localized circumstances. Most of the time the link seems loose. Legal status came into play at moments of change and renegotiation of relationships, either through the arrival of new lords on the scene (as with Sant'Ambrogio in Limonta), or through a desire on the part of existing lords to increase their revenue (Saint Denis for the Mitry peasants, Toto for Lucius). In these circumstances, new impositions were allocated on the basis of personal statuses, which, while they may up to that point have been left dormant—a background hum drowned out by existing terms of land-tenure—became suddenly contested and therefore visible. The distribution of new impositions could not, by definition, rely on 'what ancestors had done'. Instead, the issue was turned into 'what ancestors had *been*', which may well have been unclear; and

because what one was, as opposed to what one did, could not be determined by empirical observation, this area was more open to redefinition than were traditional obligations.

The reliance on neighbours' testimony meant the outcome of disputes over status reflects a result that both lord and community could live with. This realignment is likely to have involved, more often than not, the categorization of weaker members of the community under a less favourable status, making them bear the brunt of the increased demands. To some extent, then, such processes of classification correspond not just to an exercise controlled by lords, but to a form of self-organization—though often with no kinder results than if it had been imposed wholesale from above.

IRELAND AND *FUIDRI*

So far, we have looked at borderline status-categories exclusively in the context of tenancies on large estates in mainland Europe. It is worth comparing this situation with that of Ireland, which features a similar interest in status, but approached from a very different angle—which is not particularly surprising in view of the profound differences between Ireland and the continent not only in terms of economic structures, but also of the historical source-base.

In the virtual absence of archival documents from this period, the evidence for legal status in Ireland is limited to law-tracts. While continental law-codes refer to *lidi*, *aldii* and others, they do so only in order to assign to them different penalty-values, not to define what these categories meant. Irish laws, by contrast, are very concerned with definitions, though these are often expressed in obscure ways. Both the preoccupation with definitions and their obscurity are linked to the fact that Ireland had the closest thing to professional lawyers in early medieval Europe.

Irish lawyers differed in character from Roman lawyers, since their role was not to gloss or explicate legislation issued by a centralized state. Their authority depended instead on the high regard in which their mastery of a difficult and highly specialized tradition was held in small-scale communities (Stacey 2007). Their attempts at categorization and generalization are therefore something of a tour de force. Ireland thus gives us the opposite perspective from the continent on intermediary statuses: whereas rules in Francia and Lombard Italy are mostly guesswork, here we have almost nothing *but* rules, often highly abstract and formalist. Even this virtuoso tradition, however, seems to have left most intermediary categories fairly undefined, and may have found them problematic ('not thought of as a positive status category but as a social aberration': Patterson 1994: 152). For instance, what the status of the *bothach*, and in particular the hereditary one of the *senchléithe*, amounted to remains obscure, because they are only mentioned in passing rather than discussed in their own right (Kelly 1988: 35–6).

One brave soul tackled one such status more extensively: that of the *fuidir* (pl. *fuidri*), on which a short tract survives (Thurneysen 1931). The *fuidir* is elsewhere defined as a free man 'gone into the seat of an unfree man' (Charles-Edwards 1993: 307, quoting from *Uraicecht Becc*), and perhaps this sense of downward mobility was what distinguished the *fuidir* from the *bothach*, who otherwise looks identical. A wide range of different people could be *fuidri*: outsiders adopted into a kindred under terms of dependence; male foreigners marrying into a kindred; children of an unrecognized union; children of mixed unions, with a free or noble father and a slave mother; or those redeemed from the death-penalty.[13] *Fuidir*-status, then, seems to have been a way for

[13] Though the only known likely example of this, that of Librán in Adomnán of Iona's *Vita Columbani*, II, 39, involves someone being redeemed by one of his own family, and so is a case of downward reassessment of his position within the same kindred he had belonged to before: Anderson, A. and Anderson, M. 1991: 154–9, Charles-Edwards 1993: 317–19.

initially free outsiders to join a kin-group, but under terms less favourable than those which would normally apply to a free member (what Charles-Edwards terms 'defective kinship': Charles-Edwards 1993: 316). The category included people who used to be free, but had had to enter arrangements which denied them full access to or control over the resources of the household they joined. This explains their assimilation to slaves by analogy: like slaves, they were included in household production without having the right to draw freely on household resources or to form contracts independently.

Fuidri themselves, the tract tells us, were in turn subdivided into free and unfree varieties. The distinction was framed as between those with five 'kin holdings' (land held irrespective of a grant by a lord) and those without. This distinction was taken as that between feeding and being fed by the lord, and also between having the ability to receive or pay compensation for oneself and one's family, and the lord receiving or paying it (Thurneysen 1931: 63, Charles-Edwards 1993: 319–24, Patterson 1994: 152–4). Although resources were therefore important in distinguishing between different types of *fuidir*, they mattered insofar as they affected the mobilization of a lord's resources, rather than determining the amount of work to be performed. If there was any difference in the amount or type of labour that lords could demand from either type of *fuidir*, it was evidently not seen as important in terms of categorical definitions. The chief concern of the laws relating to *fuidir*-status was differential access to resources—as opposed to the differential distribution of burdens, which was the main concern in the continental examples we looked at earlier. Although a *fuidir* was meant to work for his lord, the law-tracts are elusive about what such work involved, and show nowhere near as much interest in this aspect of status as did, say, Charles the Bald in the Edict of Pîtres for *coloni*.

This lack of interest in the amount and kind of work to be performed, in contrast to continental *coloni* and *aldii*, probably results from a difference in economic settings.

Unlike *coloni* or *aldii* in mainland Europe, *fuidri* in Ireland were not tenants. In this sense, it is important to distinguish them from Irish 'base clients', who anyway were 'tenants' in a very different sense from continental tenants, in that they owned land in their own right, received a grant of cattle from their lord in exchange for food-renders, and did not owe more than occasional labour at harvest-time (Charles-Edwards 1993: 338–9, 2000: 71–3). Irish lords do not seem to have relied on the systematic week-by-week exploitation of tenant labour in the way that the great lordships of Carolingian Francia did (Davies 2004, 2012). Regular work on a lord's own lands was supplied not by tenants, but by members of the lord's household, whether unfree dependants or the kin-group itself. *Fuidri* counted as part of this directly exploited workforce. This context, in which control over cattle and people was more important to lords' status and power than control over land, means that Irish land-lordship was on a much smaller scale than on the continent, and, by implication, also involved a more limited organization of labour.

Given this, it makes sense for laws not to show more interest in specifying regular duties: the labour of each member of the household could be deployed in an ad hoc way when needed, rather than requiring complex organization or the specification of 'customary' dues. In Ireland, then, intermediary categories were fundamentally adapted to household exploitation, and were not systematized (at least in surviving sources) as a special form of extraction of tenant-labour in the way that they were in Francia and Italy. The rules governing them accordingly focused not on duties but on access to resources, with none of the apparent obsession with the stability of duties found on the continent.

This distinction between different socio-economic settings (large estates on the one hand and household production on the other) could also account for some apparent inconsistencies in our continental evidence. Salic law, for instance, shows a comparable lack of interest in what *lidi* did, which seems odd in light of later documentary sources

and estate-surveys. This difference may simply be due to the fact that Salic law was mostly interested in personal relationships of authority, and seems to have envisaged *lidi*, like slaves, as operating within a household setting. This could explain why it paints such a different picture of both unfree and intermediary statuses from that found in later documents dealing with rural tenants (Rio forthcoming).

It seems in the Irish case that the different intermediary statuses (*fuidir*, *dóerḟ uidir*, *bothach*, *dóerbothach*, or *senchléithe*) all expressed a more or less identical socio-economic relationship to a lord (Charles-Edwards 1993: 330, 336). Here, as on the continent, we find a much greater variety in legal statuses than in socio-economic arrangements, and a multiplication of fine distinctions 'of little [practical] significance' (Kelly 1988: 33, 1997: 441). The implication is that immediate economic conditions were not what these distinctions were about. Instead, *fuidir*-status seems dominated by preoccupation with the future, and with future generations. The distinctions between different types mostly affected the terms on which the *fuidir* could leave this status. 'Free' *fuidri* could leave their lord in exchange for clearing all their debts and handing over a substantial proportion of their property. The 'unfree' type, the *dóerḟ uidri*, were unable to leave their lord unless specifically freed for this purpose (Charles-Edwards 1993: 340). Aside from this notable difference in individual opportunity, generational transition was built into the definition of this status. After three generations had served the same lord as *fuidri*, their descendants then fell under the status of *senchléithe*, about which unfortunately hardly anything is known, though it is clear that it involved from then on an explicitly permanent and inherited attachment to the same lord.[14] In other cases the transition went in the opposite direction, towards fuller integration into the kindred—

[14] If there were other practical differences between the two statuses, nothing is said about it. See MacNeill 1921–4: 296, Charles-Edwards 1993: 309, Kelly 1988: 35, Patterson 1994: 153.

most obviously in the case of an outsider marrying a free woman of the kin-group, whose children would not count as *fuidri*.

At one level, then, rules about Irish *fuidri* and rules about continental *coloni* and *aldii* look very different. The former category was scrupulously defined and subdivided, whereas the latter were left vague; the former offered an inbuilt scope for generational transition, the latter (in principle at least) a guarantee of generational permanence; the former was adapted to direct exploitation, the latter to tenancy. What they had in common was that they established a legal distinction from fully unfree people where none existed in terms of socio-economic exploitation. For both, the value of this distinction was targeted at future more than present conditions: for *coloni* by offering a sense of permanence and a barrier against downward mobility (albeit a weak one in the face of resourceful lords); for *fuidri* by offering conditions under which they might rejoin free society. In Ireland as on the continent, these terms helped to define a hierarchical relationship which by definition did not involve being placed on the bottom rung, making them capable of expressing both privilege and inferiority at the same time. Lords had good reason to accommodate such concerns, because, in Ireland as on the continent, they operated in a context of high competition for labour (Patterson 1994: 153). Agreeing to a 'middling' category could provide lords with a relatively cheap form of compromise.

None of these concerns comes across if we privilege practical, socio-economic relationships over legal categories, or only accept legal distinctions as meaningful it they reflected labour relationships. Hopes and concerns for the future are impossible to assess on the basis of socio-economic relationships documented in dispute-documents and polyptychs, since these deal only with what was, not with what might happen.[15] That is

[15] The importance of potential treatment as opposed to observable conditions of life constitutes an important part of the distinction between legal status and social status: in relation to slavery, Testart 1998.

why all these people look the same to the social historian, and why legal differentiation can seem so abstract a concern. The strength of feeling with which peasants in continental Europe could defend their status and their interpretation of its meaning, however, suggests that there was a lot to care about.

CONCLUSION

Historians do not have to choose between legal classifications or socio-economic ones, or worry that these do not match. Legal distinctions could in fact be especially relevant where socio-economic differences were least obvious, because that is where they had something significant to add. This may explain the curious 'bunching' of different status-terms in the middle, precisely at the border between free and unfree, which is where the greatest room for interpretation was available to both sides, and therefore constituted the most hotly contested ground. The same logic, writ large, could also explain why Ireland, arguably out of all regions of early medieval Europe the one with the narrowest range of socio-economic differentiation, should have produced such exceptionally fine-grained legal distinctions. Differences that were simply a fact of life and rooted in an inescapable socio-economic reality did not need explicit parallel treatment via legal status, which would have been redundant: they could go—and, unfortunately for modern historians, mostly did go—without saying.

One should not underestimate, then, the importance of fine distinctions in legal status, and the extent to which they could matter to peasants. For people determined not to be on the lowest rung, status could be an end in itself, because categories could express a sense of difference, and presumably of enhanced respectability (though we hardly ever get more than a hint of this because of the nature of the source-material, which tends to look down at the peasant world from on high). These subtle intermediary tiers, totally

foreign to the Roman tradition, in effect imported and translated into free/unfree status distinctions the sense of finely graded degrees characteristic of lordship/dependence. This dialogue between the two symbolic systems I outlined at the beginning of this chapter, and the occasional need for translation between them, was necessitated partly by the fact that, whereas routine working arrangements were typically determined according to the non-legalistic logic of lordship and dependence, disputes and formal agreements over such arrangements, by contrast, could very quickly become phrased in terms of legal status. The need for compromise meant that peasants' own sense of fine distinctions sometimes had to be accommodated. 'Intermediary' categories did not present the only solution (some people, for instance, seem also to have experimented with 'half-freedom' in the more unusual sense of 'part-time', Rio 2008: 48), but they were clearly found useful for this purpose.

This may be why it is so hard to connect such 'middling' legal categories with any substantive legal content, at least on the continent. Instead, they seem to have been defined negatively, as neither fully free nor unfree. This is what allowed the *coloni* of Saint-Denis to argue that they were free, and Charlemagne to argue that *coloni* were unfree. Categories of this kind only acquired a more precise content on a very local scale. At that level, *any* difference, however small and unrecognized by higher powers, was worth fighting over. People's ability to claim a desired status, and to make the claim stick, largely depended on where they stood in their own local community. This is likely to have made these statuses, particularly the finer and therefore more contestable ones, extremely unstable, however strong the emphasis outwardly placed on heredity. Since these terms had no generic content other that the representation of difference (under-privilege in relation to some, superiority in relation to others), they could only be applied

relationally, depending on where each particular community agreed to place the dividing-line.

This explains why terms like *colonus* or *aldius* show no coherence if we look for the sort of regularity we would now associate with generic categories: their content varied from estate to estate. This is because they did not take on their significance as part of a connected institutional framework. The only context in which these words had purchase was that of local communities. They did not need to make sense at the level of the kingdom, and, with no Roman state and (outside Celtic regions) no professional lawyers, this would hardly have been possible in any case. That is why we should resist the impulse to try to make all our sources add up to a coherent picture of what 'the' early medieval colonate was, or who 'the' *aldii* were. Particular cases in which these words were deployed have no cumulative value: their meaning was situational. Rather than corresponding to an absolute, abstract definition, they provided a grid in which different parties could fit their claims and experience.

This sort of flexibility, and this combination of very general, catch-all terms with extremely local, situational meanings, is fairly typical of legal status in this period in general. The rules that both constituted and flowed from a fully unfree status were also continually reinvented to suit very local purposes (Rio forthcoming). This explains how legal categories could remain both important and widespread, despite not being controlled or guaranteed by any central defining body or authority, while being relatively content-less in terms of rules, and remaining largely undefined in a conventional legal sense. In this the early medieval approach to legal status-categories was profoundly different from those that both preceded and followed it. This, rather than unthinking inheritance, can explain how and why legal status retained so much currency and

relevance for so long after the disappearance of the Roman state which had once provided and enforced all of its substantive content.

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